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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/936,104

09/07/2001

Qiang Cao

CAO 14-2-2

9351

7590

12/15/2004

Docket Administrator Rm 3C 512

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EXAMINER

FLANAGAN, KRISTA M

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------|--------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/936,104 | CAO ET AL. | |
| | Examiner | Art Unit | |
| | Krista M. Flanagan | 2631 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09/07/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to because figure 5 is missing reference characters on the nodes connected to the branches that flow from node "SU1".
2. Figure 7 is also objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "820" in the drawing and "720" in the specification have both been used to designate the "communication based on initial RAB" step.
3. Figures 2, 3 and 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
6. Claims 4-6 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent

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claim. See MPEP § 608.01(n). Accordingly, the claims 4-6 have not been further treated on the merits.

7. Claim 6 recites the limitation "the data packets" in line 2. It is suggested that "the data packets" be changed to "data packets".

8. The disclosure is objected to because of the following informalities:

a. It is suggested that "channelisation" be changed to "channelization" throughout the specification and claims.

b. It is suggested that "characterised" be changed to "characterized" throughout the specification and claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilhousen WO 95/03652 A.

11. Regarding claim 1, Gilhousen discloses a method of allocating a channelization code in a code division multiple access system comprising for each user: selecting a node of a path in a code tree in dependence on the currently required spreading factor (See page 14, lines 11-17 and page 13, lines 16-23 wherein the Walsh sequence is used in assigning varying lengths of orthogonal coding for user channels within a code tree starting from a particular node in the tree); and reserving all nodes on the code tree in an

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upward and downward direction from the selected node (See page 14, lines 22-25); wherein the selected node for any user must not coincide with a node reserved by any other user (See page 15, lines 38-40), characterized in that the path in the code tree is defined based on a required range of spreading factors (See page 13, lines 16-23 and page 14, lines 11-17 wherein the Walsh sequence is used in assigning varying lengths of orthogonal coding for user channels within a code tree), and wherein for each user the defined path is communicated to that user in the downlink during radio access bearer (RAB) establishment (See page 19, lines 26-29).

12. Regarding claim 2, which inherits all of the limitations of claim 1, wherein if a selected node does coincide with a node reserved by another user, a new path is defined for the user (See page 16, lines 26-28).

13. Regarding claim 3, which inherits all of the limitations of claim 1 or claim 2, wherein the selected node for any user must not coincide with a node reserved by any other user only if the user and any other user are operational at the same time (See page 16, lines 26-32).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

c. Fukumasa et al. US Patent No. 6041034 discloses a spread spectrum communication system.

d. Cudak et al. US Patent No. 6091757 discloses data transmission within a spread spectrum communication system.

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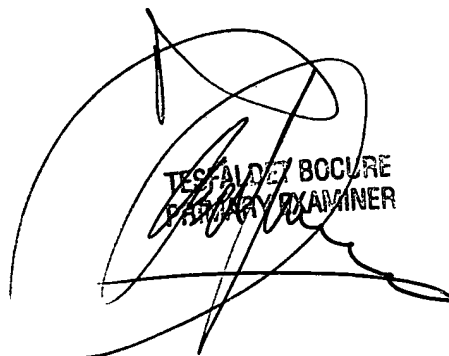
- e. Ovesjo et al. US Patent No. 6108369 discloses channelization code allocation for radio communication systems.
- f. Magnusson et al. US Patent No. 6163524 discloses code allocation in CDMA.
- g. Chuah et al., US Patent No. 6,693,952 discloses a dynamic code allocation for downlink shared channels.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista M. Flanagan whose telephone number is (571) 272-2203. The examiner can normally be reached on Monday - Friday, 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KIRSTA M. FLANAGAN
PRIMARY EXAMINER